

Notice of Allowability

Application No.

09/666,445

Examiner

Vanel Frenel

Applicant(s)

OLSON ET AL.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/7/07 Amendment.
2. ☒ The allowed claim(s) is/are 1,3-12,15-21,24,25,27-31,33-37,39,41 and 42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Notice to Applicant

5/7/07

9/17/07
1. This communication is in response to the Amendment filed on ~~4/7/07~~. Claims 2, 13-14, 22, 23, 26, 32, 38 and 40 have been cancelled. Claims 1, 12, 24 and 39 have been amended. Claims 1, 3-12, 15-21, 25, 27-31, 33-37 and 41-42 are pending.

Allowable Subject Matter

2. Claims 1, 3-12, 15-21, 24-25, 27-31, 33-37, 39 and 41-42 are allowable. The following is an Examiner's statement of reasons for allowance.

Independent claims 1 and 12 are directed to "accessing updateable rules and parameters corresponding to one or more medical conditions and which are usable at the decision-support module for diagnosing medical conditions of the at least one patient, the accessed updateable rules and parameters being accessed from a medical knowledge module to assist in at least identifying the one or more medical conditions in the at least one patient; generating decision-supported patient data for the at least one patient by evaluating, at the decision-support module remote from the mobile user module, the accessed patient data and any newly collected patient data for the at least one patient delivered to the patient storage using said updateable rules and parameters, the decision-supported patient data including one or more potential medical conditions for the at least one patient and one or more recommendations for medical care for the at least one patient; transferring the generated decision-supported patient data to the mobile user module, the clinician being presented with the generated decision-

supported patient data for the at least one patient which the clinician will treat in the time period in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician".

The closest prior art of record, McAndrew et al (5,517,405) discloses expert system for providing interactive assistance in solving problems such as healthcare management.

Joao (6,283,761) discloses apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information.

Lee (6,442,432) discloses instrumentation and software for remote monitoring and programming of implantable medical devices (IMDS).

Lifecart.com Takes Next Step to Monitoring Health Online: First E-Health Company of Its Kind to Expand Services With Wireless Applications by PR Newswire. New York: Apr 12, 2000. pg.1.

However, none of the cited prior art disclose above nor fairly suggests "accessing updateable rules and parameters corresponding to one or more medical conditions and which are usable at the decision-support module for diagnosing medical conditions of the at least one patient, the accessed updateable rules and parameters being accessed from a medical knowledge module to assist in at least identifying the one or more medical conditions in the at least one patient; generating decision-supported patient data for the at least one patient by evaluating, at the decision-support module remote

from the mobile user module, the accessed patient data and any newly collected patient data for the at least one patient delivered to the patient storage using said updateable rules and parameters, the decision-supported patient data including one or more potential medical conditions for the at least one patient and one or more recommendations for medical care for the at least one patient; transferring the generated decision-supported patient data to the mobile user module, the clinician being presented with the generated decision-supported patient data for the at least one patient which the clinician will treat in the time period in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

Independent claim 24 is directed to “transfer the generated decision-supported patient data to a mobile user module, the clinician being presented with decision-supported patient data for the at least one patient in a configuration to assist the clinician in treating the at least one patient; a user module remotely located from the decision-support module and configured to receive the generated decision-supported patient data from the decision-support module, the mobile user module comprising a user interface configured to present the generated decision-supported patient data in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician.

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Lifechart.com Takes Next Step to Monitoring Health Online: First E-Health Company of Its Kind to Expand Services With Wireless Applications by PR Newswire. New York: Apr 12, 2000. pg.1.

However, none of the cited prior art disclose above nor fairly suggests "transfer the generated decision-supported patient data to a mobile user module, the clinician being presented with decision-supported patient data for the at least one patient in a configuration to assist the clinician in treating the at least one patient; a user module remotely located from the decision-support module and configured to receive the generated decision-supported patient data from the decision-support module, the mobile user module comprising a user interface configured to present the generated decision-supported patient data in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician.

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Claims 15-21, 25, 27-31, 33-37, 39 and 41-42 incorporate the features of claims 1, 12 and 24 through their dependencies, and are also allowed for the same reasons given above.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Colby Nuttal on July 13, 2007. During the interview, Attorney agrees to *cancel claim 23* and amend claim 39 instead of canceling it. Claim 39 *has been made dependent* ~~depends~~ on claim *line 1, "method"* 24. Claim 40 has been canceled. Claim 39 [^]has been changed to ~~system~~: No further questions were discussed.

A search has been conducted for a foreign prior art, however, none has been found.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

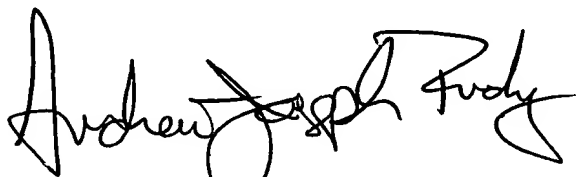
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender, Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F
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July 18, 2007


Primary Examiner, AU 3627